

**Department of Health and Family Services
Office of Strategic Finance**

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Date: April 11, 2002

To: Family Care Pilots
Area Administrators
Assistant Area Administrators - Adult Services

From: Monica Deignan, Family Care Project Manager
Center for Delivery Systems Development

Subject: Procedures for DHFS Concurrent Review When a Family Care Fair Hearing is Requested

The attached document explains the steps to be taken by DHFS staff, resource centers and care management organizations in order for the Department to concurrently review situations in which a Family Care fair hearing has been requested. They were developed in coordination with the Area Administration Teams, the Division of Hearings and Appeals (DHA) and the Family Care pilots.

Please be sure to familiarize yourself and other affected persons in your agency with these procedures, and follow them when you receive notice that a fair hearing has been requested.

Attachment

cc: Lou Dunlap, DHA
Diane Waller, OSF/AA
Lori Price, SOF/AA

Procedures for DHFS Concurrent Review when a Family Care Fair Hearing Is Requested

- 1.** Division of Hearings and Appeals (DHA) receives fair hearing request and sends an Appeal Notice, including a brief description of the issue via e-mail to the affected Family Care agency (either CMO or resource center) with a copy to Beth Hadley, Center for Delivery Systems Development (CDSD).
- 2.** CDSD (Beth) determines whether the issue is related to eligibility, entitlement or cost sharing. If the issue is related to eligibility, entitlement or cost sharing, there will be no DHFS concurrent review. If the issue is not related to eligibility, entitlement or cost sharing, Beth will forward the e-mail notice to the appropriate Office of Strategic Finance Area Administration (AA) Team.
- 3.** The Family Care agency sends a statement explaining its action within 10 days to DHA, the person who requested the fair hearing, CDSD (Beth) and the AA Team.
- 4.** The AA Team will determine whether it has previously been involved in a DHFS review of this issue. If the AA Team has previously been involved, no further action is required.
- 5.** DHA will schedule a hearing.
- 6.** DHA will send a Hearing Notice via e-mail to the Family Care agency with a copy to Beth Hadley, CDSD. Beth will forward the e-mail notice to the appropriate AA Team.
- 7.** If the AA Team has not previously been involved in a DHFS review of this issue, it will attempt mediation.
- 8.** If the AA Team is able to successfully mediate a resolution, it will send a letter to the complainant and the Family Care agency outlining that resolution. The letter will ask the complainant to withdraw the fair hearing request if s/he is satisfied with the mediated resolution. The AA Team will send a copy of this letter to DHA via e-mail at dha.mail@dha.state.wi.us.
- 9.** The AA Team will document its efforts at mediating a resolution on the Family Care Complaint and Grievance Database, checking the Fair Hearing checkbox at the bottom of the DHFS Review tab.
- 10.** DHA conducts hearing and issues a decision. (At its discretion, DHA may notify the complainant that unless s/he responds within a specified time the hearing will be canceled based upon the mediated resolution.)
- 11.** The Family Care agency complies with the terms of the mediation or fair hearing decision.

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